

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE
COUNTY COUNCIL held at The Castle, Winchester on 26 May 2010.

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman
p Councillor I. Beagley

Councillors:

p F.G. Allgood	p Mrs A. McEvoy
p Mrs C.A. Bailey	p E.J. Neal
p A. Broadhurst	p F. Pearce
a J.V. Bryant	p R. Price (for agenda items 1 – 9)
a C. Carter	p Mrs J. Porter
p M.G. Cooper	p D. Simpson
p B.T. Gurden	p J. Wall
p G.M. Hockley	p J.K. West
p S. James (for agenda items 1-8)	a Mrs S. Wheale
p. A. Joy (for agenda items 1 – 9)	

105 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor
J. Bryant, C. Carter and S. Wheale.

106 DECLARATIONS OF INTEREST

Members were mindful that, where they believed they had a personal or prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest and, having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with paragraph 12 of the Code. The declaration should be made at the time of the relevant debate.

107 MINUTES

The Minutes of the meeting of the Regulatory Committee held on 28 April 2010 were confirmed as a correct record and signed by the Chairman.

108 DEPUTATIONS

Members were reminded that they had approved a scheme which involved the amendment of Standing Order 21 to allow Members to ask questions of deputees for clarification of facts on an agenda item. Questions from Committee Members would be asked through the Chairman, who might seek the advice of the Committee's legal and other advisers as appropriate. The Chairman's decision on a question would be final. Any local Members who requested to speak at the Committee might also be asked questions. The Committee were advised that five deputations had been received for this meeting.

109 CREATE NEW SCHOOL PEDESTRIAN ACCESS AT WHITELEY COUNTY PRIMARY SCHOOL, GULL COPPICE, WHITELEY, NEAR FAREHAM (APPLICATION NO. P/10/0278/CC) (COUNTY COUNCIL REF: FAE 021)

Councillor G. Hockley declared a personal but non prejudicial interest as his grandchildren attended Whiteley County Primary school.

The Committee considered the report of the Head of Planning and Development (Item 6 in the Minute Book) in respect of an application for the construction of a new boardwalk footpath from Rookery Avenue to the school grounds. The boardwalk would cross through woodland (which is a SINC) and would stand above the ground to allow for nature conservation and to allow the free movement of wildlife on the ground underneath. The boardwalk would link to existing school paths.

The Committee received a presentation from the Head of Planning and Development introducing the item and the proposed plans for the site. It was confirmed that the plans had been developed with ecological advice and complied with the Local Plan for the area. In addition to objections included in the report, objection had also been received from Whiteley Parish Council and local residents relating to the potential highways issues with Rookery Avenue. Fareham Borough Council and the Highways Authority had had no objections to the plans.

The Committee received deputations from John Vivian (Fareham and Gosport Friends of the Earth) and Miss A. Menzies (Local Resident) who shared their concerns at the need for a boardwalk and the potential

damage to the SINC from disturbance and litter. They also told the Committee that there would be problems with increased traffic along Rookery Avenue and complaints had been received over the consultation process, which was done over the school holidays when no one was using the school. Paul Best from Hampshire County Council confirmed that the boardwalk had been developed with the 'Safer Routes to School' team and was suitable for children to use as a route to the school. Mesh panels and railings would be installed along the boardwalk for safety and to prevent any litter falling into the woodland.

Local Member Cllr Woodward spoke as a deputation in support of the proposal and declared a personal but non prejudicial interest in the item due to working in the Gull Coppice area. He confirmed to the Committee that he had received no letters of objection as a Local Member and that the development had been well received by local residents.

The Head of Planning and Development confirmed to the Committee that the boardwalk would be gated and locked to prevent it becoming a public path and would only be unlocked at the start and end of the school day. The School Travel Plan is currently being re-written to accommodate the path and new route into school, which will ease congestion around the main entrance. The Development Control Manager advising on Highways confirmed the speed of traffic and character of Rookery Avenue and the potential new business units off of Rookery Avenue had been taken into account in coming to their conclusions.

Resolved:

- I. That planning permission to create a new pedestrian access into the school linking from Rookery Avenue to an existing path located to the side of the existing play court at Whiteley County Primary school, Gull Coppice, Whiteley, near Fareham (Application No. P/10/0278/CC), be granted subject to the planning conditions in Integral Appendix B and subject to an additional condition regarding the lockable gates being kept locked save at the start and end of the school day (times to be agreed with the Governing Body of the school)

Voting:

Favour: 13

Against: 2

Abstain: 3

**110 PROPOSED AMALGAMATION OF THE EXISTING BARNCROFT
INFANT AND JUNIOR SCHOOLS AT BARNCROFT JUNIOR SCHOOL,
PARK LANE, BEDHAMPTON, HAVANT
(APPLICATION NO, 10/74150/000)
(COUNTY COUNCIL REF: HVE029)**

Cllr F. Pearce declared a personal and prejudicial interest and left the room whilst this item took place.

The Committee considered the report of the Head of Planning and Development (Item 7 in the Minute Book) in respect of an application to amalgamate existing Barncroft Infant and Junior Schools to form a two form entry Primary School on the Junior School site.

The Head of Planning and Development introduced the item and showed the Committee proposed plans for the site. Extensive refurbishment would be done, including insulation and new roofing and access to the school would also be improved. There would also be new additions, the most significant being a new hall.

The Committee received a deputation from Liam Presley from Hampshire County Council who confirmed the plans, design and materials proposed for the new site.

Members enquired as to what facilities were available for children with hearing problems and the depute was able to confirm that the building had been designed according to BB93 and an induction loop had also been installed in the main hall. It was also confirmed that the solar panels would work at 100% efficiency and that they had not been installed on top of the swimming pool as this would not be an efficient use of power and the roof was quite fragile.

Members asked about the arrangements for access to the school and it was confirmed that there would be lockable gates between the path into the school and the public path that ran alongside. In Condition 6 it also stated that a Travel Plan would be written and introduced after approximately six months of the school opening. Members agreed that the plan should be written and implemented within three months of the school opening so it is in place a lot sooner.

Resolved:

- I. That planning permission in respect of the amalgamation of Barncroft Infant and Junior Schools to form a two form entry Primary School on the Junior School site be granted for the

following reason, subject to the conditions set out in Integral Appendix B, with two slight amendments to the conditions:

- a. That before the school open the Travel Plan is written and agreed by LPA; and the agreed Travel Plan is implemented within three months of the school opening
- b. That the gate between the school and the public footpath is always locked when not in use by the school.
- c. That construction time varied to no work to take place after 13:00 hours on Saturdays.

Voting:

Favour: 14

Against: 1

Abstain: 2

111 PROPOSED DEDICATION OF A PUBLIC BRIDLEWAY OVER LITTLE BAGMORE LANE

The Committee considered the report of the Director of Culture, Communities and Rural Affairs (Item 8 in the Minute Book) which detailed an offer from Mr JTL Jervoise to dedicate a public bridleway.

The Map Review Officer presented the report and plans to the Committee and confirmed that the landowner wanted to be able to have the option of erecting a lockable gate across the route in case of unlawful use of the bridleway by motorised vehicles.

A gap of 1.2 metres would be left alongside the gate, and whereas this falls short of the British Standard of 1.5, those consulted, including the British Horse Society, agree that the advantages of the bridleway outweigh this and are happy with a gap of 1.2 metres, which is still safe under the British Standards.

Resolved:

- I. That the dedication of a bridleway be accepted, with thanks

Voting

Favour: 18

Against: 0

Councillor James left the meeting before the start of Item 9

112 APPLICATION FOR A PUBLIC PATH DIVERSION ORDER FOR PART OF BRIDLEWAY NO.13 IN THE PARISH OF HEADLEY

The Committee considered the report of the Director of Culture, Communities and Rural Affairs (Item 9 in the Minute Book) which detailed an application to divert part of Headley Bridleway No. 13 in the interests of the landowner, for reasons on privacy and security due to the redevelopment of an adjacent property.

The Countryside Access Development officer showed photos of current and proposed routes and confirmed that the new route would be four metres wide and an extra 100 metres in length. It would also offer more segregation away from traffic and better views of the countryside.

At the moment, both routes are operational, with the proposed route being offered as a permissive alternative during building works, whilst the existing definitive route remains open. It was confirmed that the Parish Council were opposed to the new route.

Members enquired as to whether the landowner could be approached to make the new proposed route more appealing by adding foliage or trees. It was confirmed that this could be raised with the landowner but had not been explored as part of the rights of way issue at hand.

Members proposed deferring the item until the landowners were consulted about improving the new route and this was put to the vote.

Voting:

In favour of a deferment: 5

Against a deferment: 12

Unresolved:

- I. That an Order is made diverting Headley Bridleway No.13 from the current definitive alignment to an alignment following the route A-H-G-F-E-D, as shown on the accompanying plan.

Voting:

Favour: 7

Against: 8

Abstain: 2

- II. Members opposed this on the ground that the proposal did not maximise the public benefit. The proposed route was

substantially less convenient, being significantly longer with a reduction in the amenity value and general character of the route.

Councillor Price and Councillor Joy left the meeting before Item 10

113 APPLICATION TO RECORD A BRIDLEWAY OVER FOOTPATH 4, IN THE PARISH OF OVERTON

The Committee received the report of the Director of Culture, Communities and Rural Affairs (Item 10 of the Minute Book) detailing an application to record Footpath 4 in the Parish of Overton as a bridleway.

The Map Review Officer introduced the item and gave the Committee the history of the site. It was confirmed to the Committee that it had been confirmed as Footpath 4 since around 1957 but has been used by cyclists and horse riders since around 1946.

Although Hampshire County Council had put up barriers to prevent cyclists and horse riders using the path as a result of a request from Overton Parish Council, the landowners have never formally done anything to show that they so not intend to dedicate it as a bridleway.

Resolved:

- I. That a Definitive Map Modification Order be made to record a bridleway over Footpath 4 in the parish of Overton, from a junction with the B3051 (Kingsclere Road) to a junction with the C79 (Station Road).
- II. Officers recommend a width varying 1.2 and 11.2 metres
- III. The public bridleway rights have been acquired subject to two footbridges, shown marked C and D on the plan in the report. At the footbridge marked D, the width of the bridge is 1.2 metres, and the public have acquired a right on horseback over a strip of 2 metres, adjoining the bridge, on its southern side.

Voting:

Favour: 12

Against: 0

Abstain: 3